



## **RHONDDA CYNON TAF COUNCIL OVERVIEW AND SCRUTINY COMMITTEE**

Minutes of the virtual meeting of the Overview and Scrutiny Committee held on Tuesday, 21 September 2021 at 5.00 pm.

### **County Borough Councillors - Overview and Scrutiny Committee Members in attendance:-**

Councillor M Adams (Chair)

Councillor W Lewis	Councillor J Bonetto
Councillor J Brencher	Councillor A Cox
Councillor P Jarman	Councillor D Owen-Jones
Councillor W Jones	Councillor S Rees
Councillor E Stephens	

#### **Officers in attendance:**

Mr C Hanagan, Service Director of Democratic Services & Communication  
Mr R Waters, Service Director Frontline Services  
Ms J Thomas, Customer Feedback, Engagement and improvement Manager

#### **Other Members in attendance:**

County Borough Councillor T Williams – Vice Chair of Public Service Delivery, Communities & Prosperity Scrutiny Committee  
County Borough Councillor E Griffiths

#### **Also in Attendance:**

Mr Gareth O'Shea – Executive Director of Operations, Natural Resources Wales.

### **1 Apologies**

An apology for absence was received by County Borough Councillors G Caple, G Hughes, M Griffiths, J James and from Mr J Fish, Voting Elected Parent/Governor Representative.

### **2 Scrutiny Research Facility**

The Chair advised Members of the Committee that the scrutiny research facility is available within the Council Business Unit to support Members' scrutiny responsibilities and their roles as Elected Members. Any requests should be directed to the scrutiny inbox.

### **3 Declaration of Interest**

In accordance with the Council's Code of Conduct, there were no declarations made pertaining to the agenda.

#### **4 Minutes**

It was **RESOLVED** to approve the minutes of the Overview & Scrutiny Committees held on the 5<sup>th</sup> July and 16<sup>th</sup> July (Special Meeting) as an accurate reflection of the meetings.

#### **5 Consultation Links**

Members acknowledged the information provided through the consultation links in respect of open consultations, Welsh Government consultations and those matters being consulted upon by the local authority.

#### **6 Response from the Minister for Climate Change**

The Service Director Democratic Services & Communications referred Members to the letter received from the Minister for Climate Change, Julie James MS as a formal response to Committee's request for further clarification on the WG intentions regarding the regulation of coal tip safety in Wales.

Members were advised that the letter clarifies the points raised by Committee whilst it formulated its responses to the consultation on the regulation of coal tip safety in Wales. It was **RESOLVED** to note the response.

#### **7 Customer Feedback Scheme - Comments, Compliments and Complaints - Annual Report 2020/21**

The Service Director Democratic Services & Communication presented his joint report with the Service Director, Community and Children's services in respect of the customer feedback scheme – comments, compliments and complaints annual report 2020/21.

Members were asked to consider the overview of the operation and effectiveness of the Council's Customer Feedback Scheme (CFS) between April 1<sup>st</sup> 2020 and March 31<sup>st</sup> 2021 and provide their comments on the background of the Customer Feedback Scheme together with improvements for 2020/21 and future developments which was provided by the Customer Feedback, Engagement and Improvement Manager at the meeting.

Members praised the staff responses during the recent challenging period for managing customer complaints and queries in a service which had seen a reduction for the second year in the number of complaints remaining open at the 6-month period from 2.4% in 2019/20 to 2.2% in 2020/21 and where 61% of complaints were dealt within 10 working days compared to 56% in 2019/20.

In response to a query regarding the reasons for the slower than anticipated progress in developing the customer feedback scheme, the Customer Feedback, Engagement and Improvement Manager cited the prioritisation of front-line services and the delivery of community support during a challenging period. However, there have been opportunities to assess what has worked well and identify areas that require further improvement in advance of the expected timescale for improvements to the new system and delivery by April 2022.

An explanation was provided to Members in respect of the unspecified complaints (351 in total) which can currently drop out of the system during the referral stage although this is an area which will be supported by the new system going forward. The Customer Feedback, Engagement and Improvement Manager advised that complaints via the social media platforms are filtered initially by the social media team. Such has been the volume and frequency of information published by the Council regarding the pandemic and covid restrictions, there have been very few complaints via social media relating to the pandemic. In addition, RCT has a very good process/policy in place for dealing with 'unreasonable customers' and mechanisms in place to protect staff in the event of persistent and unreasonable complaints.

**RESOLVED to:**

1. Acknowledge the work undertaken by the Customer Feedback and Engagement Team and the relevant legislative changes and new reporting requirements as a result of changes to the powers of the PSOW; and
2. Receive an update to the Overview & Scrutiny Committee in due course in respect of the improvements that have been made to services and planned developments via the Customer Feedback Scheme Comments, Compliments and Complaints report.

**8 Corporate Joint Committees - Draft Statutory Guidance for the Establishment of CJC's**

The Service Director, Democratic Services & Communications presented his report which sought Members' feedback on the consultation initiated by Welsh Government on the draft statutory guidance for the establishment of CJC's. He commented on the opportunity before Members to contribute to and tweak the draft statutory guidance for the establishment of Corporate Joint Committees and on the continuing need for further robust guidance in respect of the overview and scrutiny arrangements.

The Service Director advised on the recent report to the Cardiff Capital Region Regional Cabinet which considered the preferred governance, delivery option and transition model of the Corporate Joint Committees, that being the 'lift and shift' model with the 10 Leaders of the constituent authorities considering the model and due to receive further updates in due course.

Members discussed a number of issues contained within the draft guidance such as the need to ensure staff receive the appropriate level of protection under Section 101 and 105 of the Local Government Act 2000 and pointing out that one member of the Governance & Audit Committee will not come from the County Council or CBC in Wales. They raised concern regarding the voting arrangements in the case of changes to the political balance or a new incoming administration.

Members sought clarification on the following, that '*a CJC standards committee will be required to hold at least one meeting during every 12- month period after 31 December 2021*' and queried whether that was a typographical error within the draft guidance.

Further information was also sought on the '*provisions in section 5 of the Local Government and Housing Act 1989*' which it was confirmed would be circulated to all members of the Committee following the meeting.

Members raised concern, as they had done previously, regarding the ambiguity of the overview and scrutiny arrangements, of the role of the new Standards Committee and the allowable 'twin-hatting'.

Following consideration of the report, Members **RESOLVED** to authorise the Service Director Democratic Services & Communications, in consultation with the Chair of the Overview & Scrutiny Committee, to convey the comments and responses of committee members to Welsh Government prior to the consultation closing on the 4<sup>th</sup> October 2021.

## 9 Section 19 Flood Investigation Report

The Service Director Democratic Services & Communications presented the Overview Report and the Flood and Water Management Act 2010 Section 19 Flood Investigation Report (Pentre) and sought Members' comments on the actions to have arisen from the recommendations contained in the review of the Council's response to Storm Dennis which were reported to Cabinet on the 18 December 2020.

The Service Director reminded Members of the Overview & Scrutiny Committee role in scrutinising the Council's response to the severe flooding experienced during 2020 and of the proposal that the monitoring of progress updates would be scrutinised by the Overview & Scrutiny Committee moving forward.

The Service Director Frontline Services provided a high-level summary of the reports before Members' and outlined the principles and purpose of the Section 19 statutory reports and role of the partner agencies Natural Resources Wales (NRW) and Dwr Cymru Welsh Water (DCWW). He advised that the Executive Summary provides an overview of the factual information and methodology behind the report which, as a result of the extensive evidence gathering, had identified the main source of flooding as a significant blockage by woody debris at the Pentre Road culvert inlet to the north of the village, which resulted in water flowing down Pentre Road onto Elizabeth Street and Queen Street towards the lower streets of Pentre.

The Service Director referred Members to Tables 4 and 6 within the report which set out a summary of the source(s) and possible cause(s) of flooding in Pentre during the flooding events of 2020 and highlighted the subsequent recommendations provided by the Lead Local Flood Authority (LLFA) to be considered by the relevant Risk Management Authority identified in response to the source(s) of flooding in Pentre.

The Service Director Frontline Services advised of the actions the LLFA has undertaken, as responsible Risk Management Authority, in relation to the ordinary watercourse and surface water flooding which occurred at Pentre during the February and June flooding events. He also clarified the role and responsibilities of the partner agencies, Natural Resources Wales (NRW) and Dwr Cymru Welsh Water (DCWW) in relation to the flooding, highlighting that NRW was not involved

as an FRMA in this instance but as the woodland estate manager for Welsh Government land to the east of Pentre, including the culvert inlet that blocked above Pentre Road.

Mr Gareth O'Shea – Executive Director of Operations, Natural Resources Wales advised that Natural Resources Wales has undertaken a comprehensive internal review to identify the lessons to be learnt, what went well and what did not, and improve the way NRW operates in the future by working in conjunction with partners. He acknowledged the extent of the storms and the exceptional and intense rainfall which occurred at the time and the scale of the storms which are likely to increase in the future.

Members of the Overview & Scrutiny Committee were afforded the opportunity to ask questions of the Officers present.

The Chair raised concern with the early warning systems in place and asked for an update in respect of actions to improve them. He also queried the location of the monitoring stations in the Rhondda Fach.

The following queries were raised:

- What was the 'chain of command' during the flooding events and was an activity log completed highlighting individual responsibilities
- A report to the WLGA Leader's meeting on the 28<sup>th</sup> May 2021 (entitled Natural Resources Wales (NRW) –Interface with Local Authorities) It was resolved that '*Members agreed unanimously to write to Welsh Government requesting that the role, function and purpose of Natural Resources Wales be reviewed*'- can a copy of the letter and any associated responses be shared with the Scrutiny Committee?
- Can Scrutiny also have sight of the draft Section 19 Flood Investigation Report (Pentre) that caused NRW to respond by means of the circulated statement?

It was confirmed that the draft Section 19 Flood Investigation Report (Pentre) was shared with NRW for factual accuracy and that partner agencies meet regularly as a Flood Board to ensure the coordination of strategic matters.

The Service Director Frontline Services advised that the SLT Officers and many others were present at 6am in Abercynon Depot and Tonypanydy Fire Station, responding to the event and coordinating from these locations. He added that the Section 19 report is founded on the Source Pathway and Receptor model which is based on cause not reaction to the unprecedented events. NRW confirmed that they received the Council's draft Section 19 report on the 24<sup>th</sup> May 2021 and responded on the 10<sup>th</sup> June 2021.

Members noted the responsibility of NRW with regards to the fluvial and coastal flooding and sought clarification as to whether any advanced research and studies had been undertaken by NRW on the potential for flooding and what data can be shared from future academic studies?

The Executive Director of Operations, Natural Resources Wales advised that NRW within the Flood & Water Management Act for fluvial and coastal flooding has a duty to issue flood warnings and maintain a flood warning system and to maintain defences in areas where defences already exist. The current standards

to which NRW build defences across the fluvial network are 1 in 100 standards on rivers and 1 in 200 on coastal areas. The Executive Director commented that this event exceeded those standards and one of the key conclusions within the NRW report is undertaking national conversations across Wales about managing these standards in the future.

In response to queries regarding NRW resources and staffing levels, Members were advised that there are between 60-70 full time members of staff within the flood risk management division of NRW and additional funding has been sought from Welsh Government, some of which has been received, to improve NRW operational responses. The Executive Director of Operations, Natural Resources Wales commented that NRW is able to manage the risks of such a flooding event happening in the future through continuous revision of current practices but stated that no guarantees can be given that flooding on that scale would never happen again. He added that the land estate management on the Welsh Government Woodland Estate above Pentre has been subject to review and was found to be in keeping with current standards of good forestry practice

On the topic of liability NRW commented that their operations at the site above the village of Pentre were in keeping with standards of good forestry practice and, that these operations were not likely to have been the primary cause of the flooding in Pentre. The Service Director Frontline Services acknowledged that NRW's report confirmed that NRW acted in accordance with good forest practice; the recommendations coming out of NRW's report are consistent with those coming out of the Council's S19 report and that is that the codes of practice should be reviewed.

Members noted that the practices of dredging rivers can have a detrimental impact on the speed of the water flow which can worsen the potential for flooding as it gets faster. In conclusion, it was advised that a holistic approach is required to minimise risk as well as joint working amongst partner agencies to raise awareness and ensure flood protection.

The Service Director Frontline Services provided an update of actions arising from the recommendations contained in the review of the Council's response to Storm Dennis Cabinet Report 18 December 2020 such as progressing the adoption of Bylaws to manage Ordinary Watercourses, together with a new Enforcement Officer, , the creation of two dedicated Pluvial Drainage Teams, the creation of a Flood Awareness and Support Officer to work alongside the Flood Risk Professionals in the Flood Risk Management Team to support residents, businesses, to better protect their homes from flooding.

Following consideration of the report it was **RESOLVED** to:

1. Acknowledge the content of the Storm Dennis February 2020 – Overview Report and Flood and Water Management Act 2010 Section 19 Flood Investigation Report (Flood Investigation Area RCT25);

**That the following information is provided to the next appropriate meeting of the Overview & Scrutiny Committee:**

2. Any correspondence associated with the WLGA Leaders' Meeting on the 28th May 2021 and any associated responses from the Local Authority is shared with the Overview & Scrutiny Committee;
3. That Legal advice, by means of a briefing note is presented to the Overview &

Scrutiny Committee advising them of their role in seeking attributing liability for the Flooding events in Pentre.

**10 Chair's Review and Close**

The Chair of the Overview & Scrutiny Committee took the opportunity to summarise the key points from the meeting which had considered the Customer Feedback Scheme - comments, compliments and complaints - annual report 2020/21, provided a response to the Welsh Government consultation regarding the Draft Statutory Guidance in respect of the establishment of Corporate Joint Committees and requested further information be brought back to Committee in respect of the Council's Section 19 Flood Investigation report under the Flood and Water Management Act 2010.

In conclusion, the Chair thanked Officers and Members for their attendance and contributions.

**This meeting closed at 7.40 pm**

**CLLR M. ADAMS  
CHAIR.**